

# **Exhibit 5 to Plaintiff's Response To Defendant's Motion for Summary Judgment**

Report Type: Original  
Confidential:

**Atlanta Police Department**  
**INCIDENT REPORT**

Incident / CICA #: 05-100-0654  
Report Status: Approved

<b>I</b>	Incident / CICA #	Report Date / Time	Date / Time Occurred From	Date / Time Occurred To	Officer Involvement
<b>N</b>	05-100-0654	04/10/2005 11:15	04/09/2005 00:17	04/10/2005 10:00	Reported Case
<b>C</b>	Incident Description				Beat
<b>I</b>	Overdue Motorist/ Missing Truck & Product				309
<b>D</b>	Location Of Incident (Street, City, State, Zip Code, Quadrant)				County
<b>E</b>	1045 South River Industri Blvd SE, Atlanta, GA 30315				Fulton
<b>N</b>	GA Codes:UCR Class : 9920:9999 Driving Without Consent				
<b>T</b>	Attempt Only : No Bias Incident : No Special Event : No Weather : 1-Clear Alcohol Related? : No Forced Entry? : No Work Requested Or Completed? : No Family Violence : No Gang Related : No Temperature : Warm Weapon Or Tool : None Appears Drug Related? : No Security Devices? : No				
<b>F</b>	Relationship Of The Parties		Police Action Taken		Reason No Arrest Made
<b>V</b>	Primary Aggressor Identified By				# Of Previous Complaints
<b>A</b>					
<b>I</b>					
<b>M</b>					
<b>O</b>					
<b>L</b>					
<b>S</b>	Codes (Primary/Secondary)		Type	Name / Business Name	
<b>U</b>	Victim		Business	Benton Express	
<b>B</b>	Home Phone	Permanent Address			Work Phone
<b>J</b>	(404) 267-2200	1045 South River Industri Blvd, Atlanta, GA, 30315			
<b>E</b>	Temp. Phone	Temp. Address			Temp. Address Valid Until
<b>C</b>	Race	Sex	DOB	Age	Height
<b>T</b>					Weight
					Eye Color
					Hair Color
	Relation To Offender : None		Notified Of Rights? : No		
	Prosecute/Testify? : Yes		If No Injury, Describe Act : Owner of property		
<b>S</b>	Codes (Primary/Secondary)		Type	Name / Business Name	
<b>U</b>	Reporting Person		Adult	Jones, Bill	
<b>B</b>	Home Phone	Permanent Address			Work Phone
<b>J</b>	(678) 618-1924	1045 South River Ind. Blvd, Atlanta, GA, 30315			
<b>E</b>	Temp. Phone	Temp. Address			Temp. Address Valid Until
<b>C</b>	Race	Sex	DOB	Age	Height
<b>T</b>	White	M	03/24/1951	54	Weight
					Eye Color
					Hair Color
	Sobriety : Sober		Relation To Offender : Employer		
	Notified Of Rights? : No		Prosecute/Testify? : Yes		
	Involved Injury? : No		If No Injury, Describe Act : Reported incident		
<b>S</b>	Codes (Primary/Secondary)		Type	Name / Business Name	
<b>U</b>	Suspect		Adult	Stephens, Craig Anthony	
<b>B</b>	Home Phone	Permanent Address			Work Phone
<b>J</b>	(850) 937-6911	1959 Stacey Rd, Cantonment, FL			
<b>E</b>	Temp. Phone	Temp. Address			Temp. Address Valid Until
<b>C</b>	Race	Sex	DOB	Age	Height
<b>T</b>	Black	M	11/02/1964	40	6'1"
					Weight
					Eye Color
					Hair Color
	Build : Thin		Sobriety : Unknown		
	Involved Injury? : No		Skin Tone : Medium Brown		
	Complexion : Medium		Speech : Normal		
	Teeth : Normal		Oddity : Calm		
	Hair Style : Crew Cut		Facial Hair : Clean Shaven		
	Who ID'd This Person : Bill Jones		Occupation : Truck Driver		

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Report Status: Approved

V E H I C L E  1	Owner	Year 1996	Make Volvo	Model Tactor	Style Tractor	Color (Top / Bottom) White/White
	Tag # A7701Q	Tag State GA	Tag Type Commercial	Tag Year 2005	Vehicle Type 4-Truck, Semi w/Trailer	
	VIN 4VGJDAFF8WN861488				Record Type Other	
	Is Driver The Owner? : No Vehicle Locked? : No Keys In Ignition? : Yes			Was Driver Arrested? : No Ignition Locked? : No		

N A R R A T I V E	Topic: Information About Incident
	<p>On 4-10-05 I was contacted by Bill Jones who is the Regional Manager for Benton Express. Mr. Jones reported that a truck driver by the name of Craig Anthony Stephens left Benton Express at 1045 South River Ind. Blvd. on 04-09-05 at 0017 hrs. driving the listed truck pulling a trailer loaded with floor tile, film products, and cleaning compound. Mr. Stephens was to take the load to Florida which was about a 6 hour trip. Bill Jones said that Mr. Stephens never made it to his destination with the load. Bill Jones and other company managers began trying to locate Mr. Stephens. Bill Jones said that Mr. Stephens would not answer his Nextel. They contacted Mr. Stephens' wife and she said that Mr. Stephens called her on 04-09-05 at 0030 hrs. and told her that he was leaving Atlanta and would be home in a few hours and that is the last time she has heard from Mr. Stephens. The trailer that Mr. Stephens is pulling is silver and has "Trucks Inc." written on the side, the trailer number is 5074. The truck's number is 546 and has Benton Express written on the sides. Bill Jones said that Mr. Stephens has worked for the company for over one year and has been a good employee so far.</p>

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OR HER OATH, DEPOSES AND STATES THAT THE FOREGOING IS TRUE, CORRECT, COMPLETE AND LEGIBLE TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF.						
Reporting Officer (Electronic Signature)	ID #	Assignment	Gender	Signed Date / Time	Off Days	Court Time
Off STAPLER, K J	1179	2350	M	04/11/2005 11:04	Fri, Sat	09:00
Supervisor (Electronic Signature)	ID #	Assignment	Gender	Signed Date / Time		
Sgt BATTLE, M A	1142	2396	M	04/11/2005 12:18		
Central Records (Electronic Signature)	ID #	VIC #		Signed Date / Time	Referred To	
Civ BRINKLEY, K	1137			04/11/2005 17:53	Auto, Z-3	

From: "David E. Tripp" <tripp.david@fhp.hsmv.state.fl.us>  
 To: "Gregory Brockwell" <GAB@carrallison.com>  
 Date: 9/12/05 1:58PM  
 Subject: RE: Benton Express BOLO

Mr. Brockwell:

Although the .wav file appears to one file, the telephone calls were received at the TRCC at the following times.

CALL DATE	TIME		
		1	04/09/05
14:13:34		2	04/09/05
14:14:49		3	04/09/05
17:07:53		4	04/09/05
17:11:01		5	04/09/05
17:11:25		6	04/09/05
17:12:33			

Captain David E. Tripp  
 Florida Highway Patrol  
 Tallahassee Regional  
 Communications Center  
 (850) 245-7720  
 (800) 459-6861  
 (850) 921-6119 Fax  
 (850) 591-9912 Cell  
 tripp.david@fhp.hsmv.state.fl.us  
 www.fhp.state.fl.us

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]  
 Sent: Monday, September 12, 2005 12:34 PM  
 To: tripp.david@fhp.hsmv.state.fl.us  
 Subject: Re: Benton Express BOLO

Captain Tripp,

Can you please confirm the date and time of the telephone conversations on the recording?

Thanks,

Gregory A. Brockwell  
 Carr, Allison, Pugh, Howard,  
 Oliver & Sisson, P.C.  
 100 Vestavia Parkway, Suite 200  
 Birmingham, AL 35216  
 Telephone (205) 822-2006  
 General Facsimile (205) 822-2057

Direct Facsimile (205) 822-4058  
gab@carrallison.com

\*\*\*\*\*  
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If you are not the intended recipient, please do  
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>>> "David E. Tripp" <tripp.david@fhp.hsmv.state.fl.us> 09/12/05 09:17AM >>>

Dear Mr. Brockwell:

The Tallahassee Regional Communications Center is in receipt of your letter dated August 16, 2005 requesting all records regarding a crash in Montgomery, Alabama, on April 11, 2005. An exhaustive search of our records found the actual Teletype BOLO, which was issued to all available state law enforcement units that were in service at that time. The Teletype and the telephone .wav files from the original calls are attached. I regret that the actual radio transmission of the BOLO is not available. The DVD that held that transmission has been reused and the BOLO, which your office is looking for, has been recorded over with more recent transmissions. Therefore there will not be any cost for the attachments.

Captain David E. Tripp  
Florida Highway Patrol  
Tallahassee Regional  
Communications Center  
(850) 245-7720  
(800) 459-6861  
(850) 921-6119 Fax  
(850) 591-9912 Cell  
tripp.david@fhp.hsmv.state.fl.us  
www.fhp.state.fl.us

Received: 2005-04-09 17:31:38

DEV-NBR-HDR:

MNE-HDR: H37900001

ATTN-HDR: SYSTEM GENERATED HEADER

DTE-HDR: 20050409

TIME-HDR: 1732

MSG-NBR-HDR: 00058

--FLORIDA ADMINISTRATIVE MESSAGE--

FROM: H37-90-0146

TO: REG-IO-N01

SUBJECT: ATTEMPT TO LOCATE

\*\*\*\*\*OVERDUE MOTORIST\*\*\*\*\*ATTEMPT TO  
LOCATE\*\*\*\*\*PLEA  
SE BOLO INFO TO ALL AVAILABLE FIELD UNITS\*\*\*\*\*  
MOTORIST: CRAIG ANTHONY STEPHENS // B/M 41YEO // 6'00  
FLORIDA LICENSE S315101644020  
SHOULD BE DRIVING A SEMI TRACTOR TRAILER WHITE IN COLOR WITH RED  
WRITING ALONG THE SIDE "GENERAL COMMODITY" // ALSO HAS "546"  
VISIBLE ON THE DOOR.  
SUBJ LEFT ATLANTA GA ENROUTE TO PENSACOLA FL VIA THE FOLLOWING  
ROUTE:  
I85 IN GEORGIA TO MONTGOMERY ALABAMA  
FROM ALABAMA HE WOULD HAVE TAKEN I65 SB TO FLUMMELTON TO HWY  
113  
FROM HWY 113 SOUTHBOUND INTO FLORIDA WHERE HWY 113 BECOMES  
US29.  
THERE IS NO RADIO CONTACT WITH HIM AT THIS TIME.  
HIS WIFE ADVISED HE HAS NOT CONTACTED HER AT THIS TIME EITHER  
THE TRAILER CONTAINS GENERAL PRODUCTS SUCH AS ELETRICAL  
MOTORS, TILES, AND  
OTHER ITEMS NOTHING HAZARDOUS.  
SEMI UNIT NUMBER IS 546  
SEMI HAS FL TAG OF A7701Q UNK TRAILER TAG  
TRAILER NUMBER IS 5074  
ANY CONTACT WITH THIS SUBJ PLEASE ADV HIM TO MAKE CONTACT WITH  
HIS SPV GLEN CLARK AT 850-232-2325 OR 850-479-8403 AND HIS WIFE ASAP  
\*\*\*\*\*PLEASE CHECK ALL RESTAREAS AND/OR TRUCKSTOPS FOR THIS  
SUBJ\*\*\*\*\*  
THANKS FOR YOUR ASSISTANCE